

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABRIEL MCDANIELS,

Plaintiff,

v.

THOMAS ROSCH,

Defendant.

Case No. [18-cv-06273-MMC](#)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION; DISMISSING
COMPLAINT WITH LEAVE TO
AMEND**

Re: Dkt. No. 4


Before the Court is Magistrate Judge Sallie Kim's Report and Recommendation, filed October 22, 2018, by which said Magistrate Judge recommends the Court dismiss, for lack of subject matter jurisdiction, plaintiff's complaint, filed October 12, 2018, and afford plaintiff leave to amend. No objection to the Report and Recommendation has been filed.

Having reviewed the matter de novo, the Court hereby ADOPTS the Report and Recommendation in its entirety.

Accordingly, plaintiff's complaint is hereby DISMISSED with leave to amend. If plaintiff wishes to file an amended complaint, such pleading must be filed no later than December 7, 2018.

IT IS SO ORDERED.

Dated: November 16, 2018


MAXINE M. CHESNEY
United States District Judge